

Attorney's Docket No. 2290.00101

NOV 05 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of: Eugene Rosenberg

Serial No.: 09/710,262

Group Art Unit: 1652

Filed: 11/10/00

Examiner: KERR, Kathleen M.

For: GENE CLUSTER

USPTO
Box Sequence
PO BOX 2327
Arlington VA 22202

1652
HOF
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TECH CENTER 1600/2900
NOV 08 2002

FIFTH CORRECTED SUBMISSION OF SEQUENCE LISTING/STATEMENT

1. This replies to the communication from the Examiner in charge of this application, Paper No. 17, date mailed October 24, 2002.

A copy of the communication is enclosed.

2. I, Amy E. Rinaldo, state the following:

3. Submitted herewith is/are:

A. Sequence Listing(s) for the nucleotide and/or amino acid sequence(s).

Each sequence Listing is assigned a separate identifier.

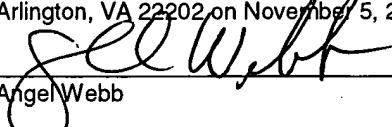
B. A copy of each Sequence Listing submitted for this application in computer readable form.

C. Preliminary Amendment inserting the Sequence Listing into the application.

CERTIFICATE OF MAILING

EXPRESS MAIL LABEL: EV214270462US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" addressed to USPTO, Box Sequence, PO BOX 2327, Arlington, VA 22202 on November 5, 2002.


Angel Webb

**STATEMENT THAT SEQUENCE LISTING
AND COMPUTER READABLE COPY ARE THE SAME**

I hereby state that each computer readable form submitted in this application is the same as the Sequence Listing to which it is indicated to relate.

I hereby state that all papers accompanying this submission, or for which a request for transfer from Applicants' other application, introduce no new matter.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

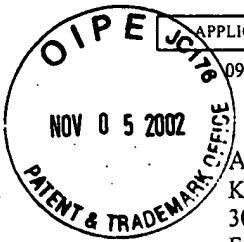


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Dated: November 5, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

5th Corr Seq List
11-24-82UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/710,262

11/10/2000

Eugene Rosenberg

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10/24/2002

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EXAMINER

KERR, KATHLEEN M

ART UNIT

PAPER NUMBER

1652

DATE MAILED: 10/24/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR /	ATTORNEY DOCKET NO.



EXAMINER

ART UNIT PAPER

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

Sequence Compliance Requirements:

The amendment filed October 16, 2002 (response, Paper No. 17) is not fully responsive to the Office communication mailed September 10, 2002 (notice to comply, Paper No. 13) for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules and Raw Sequence Listing Error Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. § 131 and 132.

While the Office attempted to correct the errors in the sequence listing, numbering alignment problems prohibited the correction. SEQ ID NOS: 1 and 3-19 must be labeled as « PRT » sequences as noted on the Error Report. Also, the alignment of numbering of the PRT sequences is crucial on the disk and in the paper copy. Please CONSULT THE PATENTIN HELP LINE AND/OR THE CHECKER PROGRAM AVAILABLE ON-LINE to obviate errors prior to filing a sequence listing in response to the instant Office action.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Kerr whose telephone number is (703) 305-1229. The examiner can normally be reached on Monday through Friday, from 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupura Achutamurthy can be reached on (703) 308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-0294 for regular communications and (703) 305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

KMK
October 22, 2002

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1600/2800

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Notice to Comply	Application No.	Applicant(s)
	09/710,262	Rosenberg et al.
	Examiner Kathleen Kerr	Art Unit 1652

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 C.F.R. § 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. § 1.821-1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. § 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. § 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. § 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. § 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. § 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. § 1.821(e).
- 7. Other: All sequences in the specification must be identified by SEQ ID NOs and all SEQ ID NOs must be described in the specification (see attached form).

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. § 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
 For CRF Submission Help, call (703) 308-4212
 PatentIn Software Program Support
 Technical Assistance.....703-287-0200
 To Purchase PatentIn Software.....703-306-2600

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